THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 22180 of 2000

DATED: 30-10-2007

Between:

B.J.Narasimha Rao and others

…Petitioners

and

Andhra Bank (a Govt. of India undertaking),
Saifabad, Hyderabad, rep. by its General Manager (HRS),
Hyderabad and others

…Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.No. 22180 of 2000

Oral order:

Initially 20 petitioners filed the writ petition. 17 of them have already filed applications for withdrawal from the writ petition on the ground that orders of absorption have been issued in their favour and the writ petition is dismissed as regards those petitioners. Only petitioners 10, 15 and 19 continue the writ petition as at present. It is represented by Sri G.Vidyasagar, the learned counsel for the petitioners that an order of absorption has also been issued in respect of the 10th petitioner. Therefore, the writ petition is to be pursued only as regards petitioners 15 and 19.

Applications for withdrawal of several of the petitioners from the writ petition have been filed successively and separate orders have been passed on more than one occasion in the writ petition permitting them to withdraw from the lis.

The writ petition is filed for a declaration that the action of the respondents in disengaging their services pursuant to circular No. 230 dated 12-10-2000 as illegal and for a direction that the petitioners should be continued in service and absorbed in the category of sub-staff.

It is not in dispute that pursuant to a settlement dated 9-1-1995 entered into between the Management and the Union under Section 12 (3) of the Industrial Disputes Act, 1947 (for short 'the Act') certain members of the temporary sub-staff of the Andhra Bank were identified as eligible on the basis of eligibility criteria determined in

terms of the settlement. After a process of interview in terms of the eligibility norms, some of the temporary sub-staff were empanelled. The empanelled candidates would be entitled for absorption as and when regular vacancies arise. All the petitioners were empanelled and are entitled for absorption.

Till absorption, temporary sub-staff are continued on a casual basis under the exigencies of service in leave vacancies or due to other casual requirements of the bank. In the circumstances, some of the temporary sub-staff have approached the Court seeking continuance in casual employment till absorption. The impugned circular is issued directing disengagement of the casual sub-staff. This circular dated

12-10-2000 is an inter office circular issued by the General Manager (HRD) of the Bank to the Heads of various branch offices under the administrative control of the General Manager. It is not meant for public consumption nor has it *per se* a determinable legal consequence. Under the circular, all the branches/offices are advised to dispense forthwith the services of the temporary sub-staff appointed at the branches/offices except, in cases where the matter is *sub judice*.

None of the petitioners who are empanelled and eligible for absorption into regular vacancies as and when regular vacancies arise, under the settlement dated 9-1-1995, are entitled to continue as casual sub-staff till absorption into regular vacancies. There is no clause in the settlement under Section 12 (3) of the Act, which ensures such a right to the petitioners or to any other empanelled candidate. Clause 8 (c) of the settlement is only to the effect that casual sub-staff would be rotated for a maximum period of 30 days at a stretch and subject to the availability of leave or other short tenure vacancies. This clause does not, as a corollary, create a right to continue interminably in casual status. The substantive thrust of the settlement is to engender a scheme for eventual absorption of the empanelled candidates in available regular vacancies as and when they arise.

Therefore, nothing in the terms of the settlement hampers the issuance of an inter office circular such as the one impugned in this writ petition. No legal right as such is conferred on the petitioners to continue in casual employment till absorption. No such right is infringed by this circular which in any event is an inter office circular. The petitioners neither assert nor establish that either they are disengaged from employment as casual sub-staff or the respondents have failed to re-engage their services in such casual capacity in terms of the agreement.

In the aforesaid circumstances, there are no merits. The writ petition is dismissed. There shall be no order as to costs. The interim order dated 23-4-2001 shall stand dissolved.

Nothing in this judgment shall be construed as in derogation of the petitioners right to regular absorption under the settlement dated 9-1-1995.

GODA RAGHURAM, J

30-10-2007
GRR